Final 2/18/09

AN ORDINANCE REGULATING DEVELOPMENT OF SUBDIVISIONS WITHIN THE CORPORATE LIMITS OF THE TOWN OF GREENWOOD, PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF AND REPEALING ANY INCONSISTENT ORDINANCE

BE IT ORDAINED by the Town Council of the Town of Greenwood in Council met, in the manner following, to wit:

SECTION I. SHORT TITLE.

This Ordinance shall be known as the Town of Greenwood Land Subdivision Ordinance.

SECTION II. PURPOSE.

The purpose of the Ordinance shall be to provide rules, regulations and standards to guide land subdivisions in the Town of Greenwood in order to promote the public health, safety, convenience and the financial and general welfare of the Town. It shall be administered to insure orderly growth and development; the conservation, protection and proper use of land; and adequate provision for vehicular and pedestrian traffic, utilities and services of and in the Town of Greenwood in accordance with the Comprehensive Plan. These Subdivision Regulations shall be considered the minimum requirements for the protection of the public health, safety and welfare of the Town of Greenwood. Any action taken by the Planning Commission under the terms of this ordinance shall give primary consideration to these considerations and to the welfare of the entire community.

SECTION III. DEFINITIONS.

The following definitions shall be applicable unless the context indicates otherwise.

Combining. Two or more lots of record which are combined by deed or plat into one or more lots of record.

Construction Improvement Plan. Detailed engineering specifications and/or drawings for all subdivision improvements to be constructed to serve a major subdivision.

Comprehensive Land Use Plan. A composite of the mapped and written proposals recommending the physical development of the Town which shall have been duly adopted by the Planning Commission and Town Council.

Deed Plot. A drawing or plot prepared by a licensed professional surveyor or engineer based upon information of public record and not requiring field work or measurements. At minimum, a deed plot should show the perimeter

of the subject property, the names of abutting subdivisions and property owners, the location and names of existing and proposed roads, the location of existing watercourses and tree masses, the layout of all lots and phases/sections, active and passive recreational areas (both publicly dedicated and privately retained), stormwater retention areas, and the extension of all public utilities. Additionally, the deed plot shall show the name and address of the property owner; the name, address, license number and seal the professional who prepared the deed plot; the date of preparation, the proposed name of the project, and the reference meridian. The deed plot shall be drawn at such scale as to assure reliability.

Drainage Right-of- Way. The lands required for the installation for storm water sewers or drainage ditches, or required along a natural water-course for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

Final Plat. The final map of all or a portion of the subdivision which is presented to the Planning Commission for final approval in accordance with these regulations, and which if approved shall be filed with the Office of the Recorder of Deeds, in and for Sussex County.

Lot. A parcel of land, assemblage of recorded contiguous parcels of land, or a parcel or portion of land, separated from other parcels or portions by description either as shown on a recorded subdivision plat or as described by metes and bounds in a deed of record, for the purpose of sale, lease, or separate use; which parcel or portion of land has its principal frontage on a public street or a private street of record; said private street must be approved by the Town and provide access to an accepted public street.

Major Subdivision. All subdivisions not classified as Minor Lot Line Adjustments, Partitionings, Minor Subdivisions, or Combinings.

Minor Lot Line Adjustment. The relocation of a property line between the owners of adjacent properties for the purpose of small adjustments in boundaries, involving less than 10% of the combined areas of the lots affected by the adjustment, creating no additional lot(s), and resulting in an adjusted lot line that is approximately parallel with the original lot line when appropriate, or, if otherwise, does not significantly change the shape of the lots involved.

Minor Subdivision. Any subdivision containing three or more lots fronting on an existing State, County or Municipal street, not involving any new street or road or the extension of any Town or County facilities, not directly effecting drainage on a County or Municipal street, and not adversely affecting the development of the remainder of the parcel or adjoining property.

Owner. Any person or legal entity holding record title to the land for which subdivision approval is being sought under this ordinance.

Partitioning. Any subdivision containing not more that two lots fronting on an existing State , County or Municipal Street, not involving any new street or road or the extension of Town facilities, not directly effecting drainage on a County or Municipal street, and not adversely affecting the development of the remainder of the parcel or adjoining property.

Performance Guarantee. Any security which may be accepted in lieu of a requirement that certain improvements be made before the Planning Commission or other approving body approves a plat, including Subdivision Improvement Completion and Payment bonds, Subdivision Improvement Maintenance bonds, escrow agreements, and other similar collateral or surety agreements.

Plat. Means the map of a subdivision.

Sketch Plan. The Sketch Plan of a subdivision of sufficient accuracy to be used for the purpose of discussion and classification and meeting the requirements of Section IV of this Ordinance.

Stormwater Management/Retention Areas. The lands required for the installation of stormwater basins or drainage ditches, or required along a natural watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage. Areas designed for stormwater drainage and/or management system in accordance with specifications of the State of Delaware, Sussex County, and the Town.

Street. Any street, avenue, boulevard, road, land, parkway, viaduct, alley or other way which is an existing State, County or City roadway, or an improved street or way shown upon a subdivision plat approved by the Town. An unimproved, or 'paper' street without approved plans and performance guarantee for construction does not meet this definition. For the purpose of this Ordinance, streets shall be classified as follows:

1. Arterial streets are those which are used primarily for fast or heavy traffic.
2. Collector streets are those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development.
3. Minor streets are those which are used primarily for access to the abutting properties.

4. Marginal access streets are minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties and protection form through traffic.
5. Alleys or driveways or aisles are minor ways which are used primarily for vehicular service access to the back or the side properties otherwise abutting on a street.

Subdivider. Any person or legal entity holding record title to land for which subdivision approval under this ordinance is being sought or any person or legal entity authorized to act on behalf of the record title holder.

Subdivision. The division of a lot, tract or parcel of land into two or more lots, tracts, or parcels of land (or the combining of two or more lots of land into one or more lots of land) for the purpose, whether immediate or future, of sale or building development; except that the following divisions shall not be considered subdivisions if no new streets or roads are involved: divisions of land for agricultural purposes where the resulting parcels are three acres or larger in size, divisions of property by testamentary or intestate distribution, or divisions of property upon court order. For ease of application, the term "subdivision" as used in this ordinance shall include, as the context requires, the terms "Partitioning", "Minor Lot Line Adjustment", "Minor Subdivision", "Major Subdivision", "Re-Subdivision", and "Combining"; and, where appropriate, to the context, relates to the process of subdividing or to the lands or territory divided.

SECTION IV. PROCEDURES FOR APPROVAL OF SUBDIVISION OF LAND.

The owner of any land seeking to take any action involving the "subdivision" of land within the Town of Greenwood shall comply with the procedures set out in this ordinance.

A. SKETCH PLAN. The first step in the process is the submission of an application and sketch plan to the Town Manager. No sketch plan shall be accepted without payment of the appropriate filing fee.

1. *Minor Lot Line Adjustment, Partitioning, Combining, Minor Subdivision Sketch Plans.*

a. The sketch plan may be prepared by the applicant, but due care should be taken as to accuracy, scale, and information relevant to the proposal.

b. The Town Manager shall confirm the proposal's classification as a Minor Lot Line Adjustment, a Partitioning, a Combining, or a Minor Subdivision, and stamp the date of receipt thereon. The Town Manager shall review the proposal for compliance with the requirements of this ordinance, and the Town Zoning

Ordinance, and to identify any potential problems, concerns, or questions arising from the proposal.

c. Within 10 business days, the Town Manager shall return the sketch plan to the applicant, along with a written summary of the results of his/her review, including recommendations if any. The written summary shall also contain a brief explanation of what the applicant must do to request final approval from the Planning Commission.

2. *Major Subdivision Sketch Plans.*

a. The sketch plan for a major subdivision shall consist of a deed plot prepared by a licensed professional surveyor or engineer. Eight copies shall be provided to the Town Manager.

b. The Town Manager shall confirm the proposal's classification as a major subdivision, stamp the date of receipt on all copies, return one stamped copy to the applicant, provide one copy to the Town's Consulting Engineer and to each member of the Planning Commission (providing an extra copy, to be later returned to the applicant, to the Planning Commission Secretary), and place the sketch plan on the agenda for the next scheduled regular meeting of the Planning Commission if scheduled two weeks or more following the date the sketch plan was filed with the Town Manager; if the Planning Commission's next meeting is less than two weeks from the date the sketch plan was filed, it shall be placed on the agenda for the Planning Commission's next subsequent regular meeting.

c. The Planning Commission shall review the sketch plan for compliance with the requirements of this ordinance and the Town Zoning Ordinance, and to identify any potential problems, concerns, or questions arising from the proposal. In reviewing the sketch plan, the Planning Commission shall take into consideration any comments received from the Town's Consulting Engineer. The Planning Commission and the subdivider shall review and discuss potential problems relating to the proposal, their recommended solutions, and the Planning Commission shall, from experience, knowledge, and technical assistance, provide guidance for the planning of subdivision.

d. Within 15 business days, the Planning Commission Secretary shall return one copy of the sketch plan to the applicant, along with a written summary of the results of the Planning Commission's review, including recommendations, if any. The written summary shall also contain a brief explanation of what the applicant must do to request final approval from the Planning Commission.

B. FINAL PLAT APPROVAL

1. *Minor Lot Line Adjustment.*

a. Application for Final Plat Approval for a Minor Lot Line Adjustment shall be made at least 10 business days before the Planning Commission meeting at which the applicant seeks final approval.

b. Application for a Minor Lot Line Adjustment shall be made in triplicate on forms supplied by the Town Manager, together with three (3) copies of a plat, prepared by, attested to, and sealed by a Licensed Surveyor, showing the property line to be adjusted and showing the entire frontage of the lots involved, to the Town Manager. Such plat shall show the location of the affected lot line prior to the lot line adjustment as a dotted line and the adjusted lot line as a solid line. The application shall be accompanied by a fee in the amount specified in Schedule of Fees, Section XVI of this Ordinance. Where any application or plat fails to meet the technical requirements of this ordinance, it shall be rejected with a written explanation of the deficiencies.

c. Minor Lot Line Adjustment Applications which are found to meet all the requirements of this Ordinance, and the Zoning Ordinance, shall be approved by the Planning Commission. All three copies of the plat shall be stamped "Approved, Town of Greenwood Planning Commission on [date]" and be signed by the Chairperson and Secretary of the Planning Commission.

d. One copy of the approved plat shall be returned to the applicant, one copy shall be retained in the Planning Commission's records, and one copy shall be recorded at the Office of the Recorder of Deeds, in and for Sussex County within ninety (90) days from the date of such approval. If the approved final plat is not filed within said 90 days,the approval shall expire and shall be void; provided that the Planning Commission may, for good cause shown extend the time for plat filing for one additional period not to exceed additional ninety (90) days.

e. No plat for a Minor Lot Line Adjustment, and no deed effecting a Minor Lot Line Adjustment, shall be filed in the Office of the Recorder of Deeds unless the Minor Lot Line Adjustment has been duly approved by the Planning Commission in accordance herewith. Any plat or deed filed in violation of this provision shall be voidable at the suit of the Town or any affected property owner.

f. Following each meeting, the Planning Commission shall provide the Town Manager with a written report of all Minor Lot Line Adjustments approved by it at that meeting and the Town Manager shall provide a copy of such report to all members of the Town Council at the next-ensuing regular Town Council meeting.

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2. *Partitioning.*

a. Application for Final Plat Approval for a Partitioning shall be made at least 10 business days before the Planning Commission meeting at which the applicant seeks final approval.

b. Application for a Partitioning shall be made in triplicate on forms supplied by the Town Manager, together with three (3) copies of a plat, prepared by, attested to, and sealed by a Licensed Surveyor, showing the property to be divided and showing the entire frontage of the lots involved, to the Town Manager. Such plat shall show the location of the lot lines prior to the partitioning as dotted lines and the lot lines of the partitioned lots as solid lines. The application shall be accompanied by a fee in the amount specified in Schedule of Fees, Section XVI of this Ordinance. When required by the Planning Commission, the Applicant shall submit (1) copy of a plat showing his entire property. Where any application or plat fails to meet the technical requirements of this ordinance, it shall be rejected with a written explanation of the deficiencies.

c. Partitioning Applications which are found to meet all the requirements of this Ordinance, and the Zoning Ordinance, shall be approved by the Planning Commission. All three copies of the plat shall be stamped "Approved, Town of Greenwood Planning Commission on [date]" and be signed by the Chairperson and Secretary of the Planning Commission.

d. One copy of the approved plat shall be returned to the applicant, one copy shall be retained in the Planning Commission's records, and one copy shall be recorded at the Office of the Recorder of Deeds, in and for Sussex County within ninety (90) days from the date of such approval. If the approved final plat is not filed within said 90 days, the approval shall expire and shall be void; provided that the Planning Commission may, for good cause shown extend the time for plat filing for one additional period not to exceed additional ninety (90) days.

e. No plat for a Partitioning, and no deed effecting a Partitioning, shall be filed in the Office of the Recorder of Deeds unless the Partitioning has been duly approved by the Planning Commission in accordance herewith. Any plat or deed filed in violation of this provision shall be voidable at the suit of the Town or any affected property owner.

f. Following each meeting, the Planning Commission shall provide the Town Manager with a written report of all Partitionings approved by it at that meeting and the Town Manager shall provide a copy of such report to all members of the Town Council at the next-ensuing regular Town Council meeting.

3. *Combining.*

a. Application for Final Plat Approval for a Combining shall be made at least 10 business days before the Planning Commission meeting at which the applicant seeks final approval.

b. Application for a Combining shall be made in triplicate on forms supplied by the Town Manager, together with three (3) copies of a plat, prepared by, attested to, and sealed by a Licensed Surveyor, showing the property to be combined

and showing the entire frontage of the lots involved, to the Town Manager. Such plat shall show the location of the lot lines prior to the combining as dotted lines and the lot lines of the combined lots as solid lines. The application shall be accompanied by a fee in the amount specified in Schedule of Fees, Section XVI of this Ordinance. When required by the Planning Commission, the Applicant shall submit (1) copy of a plat showing his entire property. Where any application or plat fails to meet the technical requirements of this ordinance, it shall be rejected with a written explanation of the deficiencies.

c. Combining Applications which are found to meet all the requirements of this Ordinance, and the Zoning Ordinance, shall be approved by the Planning Commission. All three copies of the plat shall be stamped "Approved, Town of Greenwood Planning Commission on [date]" and be signed by the Chairperson and Secretary of the Planning Commission.

d. One copy of the approved plat shall be returned to the applicant, one copy shall be retained in the Planning Commission's records, and one copy shall be recorded at the Office of the Recorder of Deeds, in and for Sussex County within ninety (90) days from the date of such approval. If the approved final plat is not filed within said 90 days, the approval shall expire and shall be void; provided that the Planning Commission may, for good cause shown extend the time for plat filing for one additional period not to exceed additional ninety (90) days.

e. No plat for a Combining, and no deed effecting a Combining, shall be filed in the Office of the Recorder of Deeds unless the Partitioning has been duly approved by the Planning Commission in accordance herewith. Any plat or deed filed in violation of this provision shall be voidable at the suit of the Town or any affected property owner.

f. Following each meeting, the Planning Commission shall provide the Town Manager with a written report of all Combinings approved by it at that meeting and the Town Manager shall provide a copy of such report to all members of the Town Council at the next-ensuing regular Town Council meeting.

4. *Minor Subdivision.*

a. Application for Final Plat Approval for a Minor Subdivision shall be made at least 30 days in advance of the Planning Commission meeting at which the applicant seeks final approval.

b. Application for a Minor Subdivision shall be made in triplicate on forms supplied by the Town Manager, together with 7 copies of a plat, prepared by, attested to, and sealed by a Licensed Surveyor, showing the property to be subdivided, to the Town Manager. Such plat shall show the location of the lot lines prior to the Minor Subdivision as dotted lines and the lot lines of the subdivided lots as solid lines. The application shall be accompanied by 3 copies of all other material as required by Article V and in the application form, together with a fee in the amount specified in

Schedule of Fees, Section XVI of this Ordinance. When required by the Planning Commission, the Applicant shall submit (1) copy of a plat showing his entire property. Where any application or plat fails to meet the technical requirements of this ordinance, it shall be rejected with a written explanation of the deficiencies.

c. The Planning Commission shall review the Application for Approval of a Minor Subdivision and all the required material, making certain that all requirements established by this Ordinance and the Zoning Ordinance have been satisfied.

d. Minor Subdivision Applications which are found to meet all the requirements of this Ordinance, and the Zoning Ordinance, shall be approved by the Planning Commission. Three (3) copies of the plat shall be stamped "Approved, Town of Greenwood Planning Commission on [date]" and be signed by the Chairperson and Secretary of the Planning Commission.

e. One copy of the approved and stamped plat shall be returned to the applicant, one copy shall be retained in the Planning Commission's records, and one copy shall be recorded at the Office of the Recorder of Deeds, in and for Sussex County within ninety (90) days from the date of such approval. If the approved final plat is not filed within said 90 days, the approval shall expire and shall be void; provided that the Planning Commission may, for good cause shown extend the time for plat filing for one additional period not to exceed additional ninety (90) days.

f. No plat for a Minor Subdivision, and no deed effecting a Minor Subdivision, shall be filed in the Office of the Recorder of Deeds unless the Minor Subdivision has been duly approved by the Planning Commission in accordance herewith. Any plat or deed filed in violation of this provision shall be voidable at the suit of the Town or any affected property owner.

g. Following each meeting, the Planning Commission shall provide the Town Manager with a written report of all Minor Subdivisions approved by it at that meeting and the Town Manager shall provide a copy of such report to all members of the Town Council at the next-ensuing regular Town Council meeting.

h. If the Planning Commission disapproves a Minor Subdivision application, two (2) copies of the reasons for disapproval shall be provided to the applicant. Such deficiencies shall be remedied prior to any re-submission. Any re-submission shall be accompanied by the normal application fee as set out in the Schedule of Fees in Section XVI of this ordinance.

5. *Major Subdivision.*

a. Application for Final Plat Approval for a Major Subdivision shall be made at least 45 days in advance of the Planning Commission meeting at which the applicant seeks final approval.

b. Application for Final Plat approval of a Major Subdivision shall be made in triplicate on forms supplied by the Town Manager, together with such number of copies as specified by the Town Manager, drawn in accordance with Article V, prepared by, attested to, and sealed by a Licensed Surveyor, showing the property to be subdivided, to the Town Manager. The application shall be accompanied by 3 copies of all other material as required by Article VB and in the application form, together with a fee in the amount specified in Schedule of Fees, Section XVI of this Ordinance, which fee may include the Town's costs for posting, newspaper publication, and mailing of all notices required for the public hearing to be held on the application. The Town Manager shall receive the Application, and other required plats and materials, and shall acknowledge receipt in proper space on the reverse of each copy of the Application. He/she shall return one copy to the owner or his agent as his receipt, file one as his/her record of receipt, and, upon determining that all required materials have been submitted in accordance with subparagraph (c) (1) below, forward the third together with copies of the Plat Plan and other required material, to the Secretary of the Planning Commission

c. The Town Manager shall, following receipt of an Application:

(i) Make certain that all the material required accompanies the Application. If the Owner or his agent has failed to provide all required material, the Town Manager shall promptly so advise the applicant in writing and return all material received, except the Application, for resubmission.

(ii) If all required material is in order, place the Application on the agenda of the next regular meeting of the Planning Commission for its review, and schedule the holding of a public hearing on the Application to be held immediately prior to the Planning Commission's meeting. Notice of the public hearing shall be provided at least 15 days before the public hearing by posting at the Town Hall, Library, Post Office, and on the subject property, and publication in a newspaper of general circulation in the Town. Notice shall be sent by mail to the applicant, to the Office of State Planning, and to the owners of record of all properties abutting the proposed Major Subdivision at those addresses provided to the Town by the Applicant. The Applicant shall be responsible for the accuracy of the list of abutting owners of record and their addresses.

(iii) conduct a preliminary review of the application and all supporting materials with the assistance of the Town's Consulting Engineer and Town Solicitor; and prepare a written report, containing the results of that preliminary review (including any recommendations) to the Planning Commission at least 7 days in advance of the meeting where the application will be considered.

d. At the public hearing, the Applicant shall provide a brief presentation concerning the proposed Major Subdivision and the Planning Commission shall hear any interested persons (including any federal, state, county, or municipal

agency) desiring to comment thereon. The Planning Commission shall also accept any written submissions, including the Town Manager's preliminary review report, received at or prior to the hearing. The hearing shall be tape-recorded.

e. After closing the public hearing, the Planning Commission shall review the Application and all the required material, making certain that all requirements and conditions set forth in the written summary and recommendations following Sketch Plan review, as well as all requirements of this ordinance, the Town Zoning Ordinance, and any federal, state, or County agency having jurisdiction over some aspect of the major subdivision, have been satisfied. The Planning Commission shall give due consideration to all comments received at the public hearing.

f. The Planning Commission may approve a Major Subdivision application as presented, approve it with conditions, deny approval, or table action to a later meeting to allow proper consideration by the Town Consulting Engineer, Planning Commission, and other federal, state, or county agencies having jurisdiction over some aspect of the project:

(i) If the Planning Commission shall disapprove a plat, it shall provide the owner a written explanation of the reasons for disapproval and shall return, together with said written explanation, all materials received, except the Application and one copy of the plat plan. The reasons for disapproval shall be remedied prior to re- submission.

(ii) If the Planning Commission grants final approval with conditions, such conditions shall be specified in writing and acknowledged by the Applicant at the meeting. At any time prior to the next regular meeting of the Planning Commission, the Applicant may re-submit its plat or other materials evidencing compliance with the stated conditions and if, upon examination, the Town Manager and /or Town Engineer determine that all stated conditions have been met by the re-submitted plat and/or materials, the plat shall be stamped "Approved, Town of Greenwood Planning Commission on [date]" and signed by the Chairperson and Secretary of the Planning Commission without further review or action by the Planning Commission.

(iii) If the Planning Commission tables action to a later meeting, the reason for tabling and the date and time of that meeting shall be established in the motion to table. Nothing herein shall limit the number of times the Planning Commission may table final action on a Major Subdivision Plan, provided that legitimate and good faith reasons, relevant to proper consideration of the application, exist to justify such action.

(iv) If the Planning Commission grants final approval to the application, four (4) copies of the plat shall be stamped "Approved, Town of Greenwood Planning Commission on [date]" and be signed by the Chairperson and Secretary of the Planning Commission.

d. One copy of the approved and stamped plat shall be returned to the applicant, one copy shall be retained in the Planning Commission's records, and one copy shall be recorded at the Office of the Recorder of Deeds, in and for Sussex County within ninety (90) days from the date of such approval. If the approved final plat is not filed within said 90 days, the approval shall expire and shall be void; provided that the Planning Commission may, for good cause shown extend the time for plat filing for one additional period not to exceed additional ninety (90) days.

e. No plat for a Major Subdivision, and no deed effecting a Major Subdivision, shall be filed in the Office of the Recorder of Deeds unless the Major Subdivision has been duly approved by the Planning Commission in accordance herewith. Any plat or deed filed in violation of this provision shall be voidable at the suit of the Town or any affected property owner.

f. Following each meeting, the Planning Commission shall provide the Town Manager with a written report of all Major Subdivisions approved by it at that meeting and the Town Manager shall provide a copy of such report to all members of the Town Council at the next-ensuing regular Town Council meeting.

C. SUNSETTING OF APPROVED PLANS FOR MAJOR SUBDIVISIONS.

1. Major Subdivision plans must receive the Planning Commission's final approval within one year from the date on the initial subdivision application or lapse and become void; provided however, that any owner/developer may, prior to the expiration of the first year following the initial subdivision application, apply in writing for an extension of one year to obtain final approval. Such application shall be granted by the Planning Commission for good cause shown. "Good cause" for purposes of this section shall mean facts which reasonably demonstrate that the owner/developer has been delayed from obtaining final subdivision approval by events or causes largely beyond his reasonable control, coupled with a showing that the owner/developer has made substantial efforts and expenditures in a good faith attempt to obtain final subdivision approval.

2. Construction permitted pursuant to any Major Subdivision plat approved by the Planning Commission after the adoption of this ordinance shall commence within three years after the date of final approval by the Planning Commission or such approval shall lapse and become void; provided however, that any owner/developer may, prior to the expiration of the third year following the final subdivision approval, apply in writing for an extension of one year to begin construction. Such application shall be granted by the Planning Commission for good cause shown. "Good cause" for purposes of this section shall mean facts which reasonably demonstrate that the owner/developer has been delayed from starting construction by events or causes largely beyond his reasonable control, coupled with a showing that the owner/developer has made substantial efforts and expenditures in a good faith attempt to begin construction. "Commencement of construction" shall mean completion of at least ten

percent of the site improvements within one year after the date of final approval by the Planning Commission, pursuant to any and all required permits. The following costs will not be considered in determining the ten-percent threshold: land purchase and financing costs; engineering and legal expenses/fees paid; review, filing and recordation fees; and construction costs for buildings, including permit fees. Prior to commencement of construction, the Subdivision Improvements Construction Agreement required by Section VI C and the Subdivision Improvements Completion and Payment bond required by Section VI D of this ordinance shall be filed with the Town. Such completion and payment bond shall be filed with the Town prior to any site work being performed pursuant to a major subdivision plan.

3. All subdivision plans approved, re-approved, or extended prior to the adoption of this ordinance shall become null and void no later than three years after the adoption of this ordinance unless construction has commenced as defined herein. Plans approved prior to the adoption of this ordinance may be re-approved or extended pursuant to the subdivision ordinance in effect prior to the adoption of this ordinance. However, any such re-approvals or extensions shall be null and void three years after the adoption of this ordinance, unless construction has started as defined herein. Such plans, if resubmitted after expiration, shall be required to comply with the procedures and standards set forth in this ordinance, as amended from time to time hereafter.

D. PHASED DEVELOPMENT. Where any Major Subdivision is proposed to be developed in phases, the subdivider may obtain approval from the Planning Commission of a timetable for development of each phase. In such case, provided that the subdivider complies with the approved timetable, all phases of the subdivision shall be subject to and governed by the subdivision ordinance and zoning ordinance in effect at the time of obtaining final approval of the entire Major Subdivision and by the conditions accompanying that final approval. In such circumstances, each phase may, at the option of the subdivider, be treated as a separate subdivision for purposes applying the standards of this ordinance (e.g. subdivision improvements construction agreement, completion and maintenance bonds, completion and dedication of public improvements). However, if the subdivider fails to obtain approval of a timetable for phased development, or, having obtained such approval, fails to comply with the approved timetable, where construction has not commenced (as defined above) in at least one phase before the expiration of three years from the date of final Major Subdivision approval for the entire subdivision or within one year of the date that construction was scheduled to commence in a particular phase under the approved timetable, approval for such phase(s) shall lapse and become void; provided further, however, that any owner/developer may, prior to the expiration of the applicable time limit, apply in writing to the Planning Commission for an extension of time to begin construction, and/or a modification of the approved timetable. Such application shall be granted by the Planning Commission for good cause shown. Provided further, anything herein to the contrary notwithstanding, no subdivider shall commence construction of improvements in any subsequent phase of a "phased" Major Subdivision until at least 70% of all subdivision improvements have been completed and approved by the Town in all prior phases of the Major Subdivision.

SECTION V. DETAILS OF PLAT PLANS FOR MAJOR SUBDIVISIONS

A. **PLAT PLAN**. The Plat Plan for a Major Subdivision shall:

1. Include all recommendations made by the Planning Commission following "Sketch Plan review" and all subsequent requirements as may be set forth by the Planning Commission or by any federal, state, or county agency having jurisdiction or authority over the any aspect of the Major Subdivision;

2. Be clearly and legibly drawn, with black ink and accompanied by a recordable duplicate thereof;

3. Be drawn at a minimum scale of fifty (50) feet to the inch on sheets of twenty-four (24) inches by thirty-six (36) inches (or other approved size); if the plat plan is drawn in two or more sections, it shall be accompanied by a Key Map showing the location of the several parts;

4. Show the following:

a. Proposed subdivision name or identifying title, the name of the municipality and political subdivision within which it is situated and county name;

b. The name and address of the owner of record and subdivider;

c. The name, license number and the seal of the licensed land surveyor or engineer;

d. A space for signatures of the Planning Commission members approving the Application and date of approval as follows: "This plat has been approved by the Planning Commission of The Town of Greenwood at a meeting held on the ___ day of _____, 2____.

TOWN OF GREENWOOD PLANNING COMMISSION by:

Attest: _____ _____
Secretary Chairman

e. The date of the survey;

f. The reference meridian used for bearings on the map shall be shown graphically and definitely described. Magnetic bearings shall show the date of observation.

g. The graphic scale;

h. A key map at a scale not less that eight hundred (800) feet to the inch showing the relation of the property to adjoining property and to all streets, roads, watercourses, natural and artificial, streams, shorelines, or other water boundaries, and all municipal boundary lines crossing or adjacent to the property and existing within one thousand (1,000) feet of any part of the property proposed for subdivision;

i. The names of all subdivisions immediately adjacent and the names of all owners of all immediately adjacent lands, and the Block and Lot numbers of each; and the property lines of the land to be subdivided;

j. The full plan of the development including all: Lot lines, and their dimensions, building setbacks, streets, roads, parking areas, and alleys or driveways, utility easements, parks, playgrounds and other public areas including those which are to be dedicated public areas and those which are being reserved by the owner, and the conditions of such dedications or reservations, and the proposed names of all new streets.

k. All existing watercourses, tree masses and isolated trees more than six (6) inches in diameter and their common name, existing buildings, water mains and feeder lines, and other significant features, within the boundaries of the plat;

l. A plan for surface drainage of the development including the location of all easements for stormwater collection, drainage, and retention facilities; the designs of any bridges or culverts which may be required and as approved by the Town's Consulting Engineer or other stormwater improvements (e.g. stormwater management areas or retention ponds).

m. The location of all FEMA flood zones.

n. Contours at vertical intervals of not more than five (5) feet for land with an average natural grade of ten percent (10%) or greater, and at vertical intervals of not more than two (2) feet or less for steeply sloping land on the basis of datum used or recommended by the Town's Consulting Engineer;

o. The plan shall show ground water table elevations, soil characteristics the result of such percolation tests as may be

required by the Consulting Engineer, certified by a Licensed Engineer.)

p. The plan for connecting to the sanitary sewer system of the Town as approved by the Water/Sewer Department of the Town of Greenwood;

q. The plan for connecting to the water supply system of the Town as approved by the Water/Sewer Department of the Town of Greenwood;

r. The location of all existing and proposed easements for utilities, including water, sanitary sewer, electric, cable, fiber optic, telephone, and other public utilities.

s. Sufficient data acceptable to the Town's Consulting Engineer to determine readily the location, bearing and length of every boundary line, street line and lot line, so as to reproduce such lines upon the ground; and the length of all straight lines, the deflection angles, radii, lengths of curves and central angles of all curves, tangent distances and tangent bearings for each street. All dimensions and angles or bearings of the lines of each lot shall also be given. All dimensions shall be shown in feet and hundredths of a foot;

t. The lot and block numbers established in accordance with the prevailing Town practice;

u. Identify clearly, by legend and symbol, the monuments established in accordance with the above, the distances between monuments which were found and monuments which were placed on the tract boundary, and those set for survey control;

v. All lot corner markers, which are required to be permanently located in the ground to the existing grade and to the satisfaction of the Town's Consulting Engineer shown thus, "O" , on the plat;

w. Where the plat plan submitted covers only a part of the subdivider's entire holding, a perimeter survey plot of the unsubmitted part shall also be furnished; and the street system of the submitted part will be considered in the light of adjustments and connections with the future street system of the part not submitted.

x. All prior approvals along with any waivers shall be listed on Plat.

B. OTHER MATERIALS.

In addition to the plat plan as specified in Article V (A), an application for final approval of a Major Subdivision plat shall include 3 copies each of the following:

1. A certificate of title showing the ownership of the land. If the owner of record title is not the applicant, a notarized power of attorney from the owner of record title authorizing the applicant to act on behalf of the owner of record title.

2. A certificate from a licensed engineer or land surveyor as follows:

> "I hereby certify that this map and survey have been made under my supervision and complies with the laws of the State of Delaware, the Ordinances of the Town of Greenwood, and that any error in closure does not exceed one in five thousand or such other minimum standard as established by the State of Delaware. I further certify that (all monuments and corner markers have been accurately set under my supervision) – (a bond has been given to the Town guaranteeing the setting of such monuments and corner markers which are being deferred for a specified period.) ** Licensed Engineer or Land Surveyor No.___."
> ** strike out inappropriate phrase

3. A certificate from the Town's Consulting Engineer as follows: "I have carefully examined this map/plat/survey and find it conforms with all the laws of the State of Delaware and the ordinances of the Town of Greenwood."

4. Subdivision Improvements Construction Plans as described in Article VI. A and B, and in accordance with the design standards of Section VII.

5. Subdivision Improvements Construction Agreement as described in Article VI C.

6. A certificate from the Town's Consulting Engineer as to the completion of all improvements required by the Town to his satisfaction in accordance with standards and specifications set forth in this Ordinance or as otherwise prescribed by the Town. For any required improvements not so completed, there shall be submitted with the plat a certificate from the Town's Consulting Engineer as to the estimated cost of such improvements and a certificate from the Town Solicitor as to the adequacy of the Subdivision Improvements Completion and Payment Bond and accompanying surety to insure timely completion of and payment for such improvements, all as provided in Article VI D.